

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

<b>United States District Court</b>		District <u>WESTERN MISSOURI</u>
Name (under which you were convicted): <u>LISA RENAE THOMPSON</u>		Docket or Case No.: <u>6:15-03123-02-CR-S-RK</u>
Place of Confinement: <u>VICTORVILLE SATELLITE CAMP</u>	Prisoner No.: <u>56259-408</u>	
UNITED STATES OF AMERICA		Movant (include name under which convicted) <u>v. LISA RENAE THOMPSON</u>

**MOTION**

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

WESTERN DISTRICT OF MISSOURI

(b) Criminal docket or case number (if you know): 6:15-03123-02-CR-S-RK

2. (a) Date of the judgment of conviction (if you know): APRIL 7, 2017

(b) Date of sentencing: APRIL 7, 2017

3. Length of sentence: 135 MONTHS

4. Nature of crime (all counts):

CONSPIRACY TO DISTRIBUTE 500 GRAMS OR MORE OF METHAMPHETANINE  
POSSESSION OF A CONTROLLED SUBSTANCE  
DISTRIBUTION, DELIVERY, MANUFACTURE OF A CONTROLLED SUBSTANCE

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

GUILTY TO CONSPIRACY TO DISTRIBUTE 500 GRAMS OR MORE  
OF METHAMPHETANINE

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐

No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐

No ☒

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9. If you did appeal, answer the following:

- (a) Name of court: N/A
- (b) Docket or case number (if you know): \_\_\_\_\_
- (c) Result: \_\_\_\_\_
- (d) Date of result (if you know): \_\_\_\_\_
- (e) Citation to the case (if you know): \_\_\_\_\_
- (f) Grounds raised: \_\_\_\_\_

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): N/A
- (2) Result: \_\_\_\_\_
- (3) Date of result (if you know): \_\_\_\_\_
- (4) Citation to the case (if you know): \_\_\_\_\_
- (5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: N/A
- (2) Docket or case number (if you know): \_\_\_\_\_
- (3) Date of filing (if you know): \_\_\_\_\_
- (4) Nature of the proceeding: \_\_\_\_\_
- (5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐

No ☒

(7) Result: N/A

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket of case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐

No ☒

(7) Result: N/A

(8) Date of result (if you know): \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐

No ☐

(2) Second petition: Yes ☐

No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: \_\_\_\_\_

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

N/A

**GROUND ONE:**

Ineffective Assistance of Counsel /  
Violation of 6th Amendment

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See page 1-2

**(b) Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND TWO:**

fraud on the court / Sentencing  
Enhancement

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

See pg-1-2

**(b) Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

### GROUND THREE: \_\_\_\_\_

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

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**(b) Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

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**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

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(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

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**GROUND FOUR:**

N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

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**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):



(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

NO

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing:

(b) At the arraignment and plea:

Branden TWIBELL 901 St Louis Ste 1600 SPRINGFIELD Mo 65806

(c) At the trial:

(d) At sentencing:

Branden TWIBELL 901 St. Louis Ste. 1600 Springfield Mo 65806

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

Sentence reduction - 2 points for minor role  
or any other relief to which movant may be entitled.  
- 2 points for downward departure. Sentence  
reduced to 78 months.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 12 26 2017.  
(month, date, year)

Executed (signed) on 12/26/17. (date)

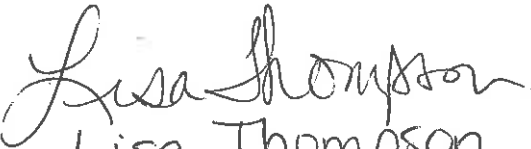
Lisa Thompson  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

## Denial Effective Assistance Of Counsel

FACTS: After my arrest I was appointed counsel Branden Twibell on 03/23/2016 following my indictment from 12/2015 for the present case. With charges of conspiracy to distribute methamphetamine, and possession of a controlled substance. Detoxing off drugs hoping for a speedy resolution, and wanting to hurry and put this far behind me. I greatly expressed the need of pleading hoping for a favorable plea and a light sentence. I initially agreed to accept responsibility and cooperate with the investigation of my case in regards to my guilt. During my stay in the county jail Mr. Twibell only accepted letters from me, no phone calls and only 2-3 brief visits in regards to my case. During those brief visits I asked my attorney could I review the discovery, and have the drugs weighed that was found in my possession, believing the purity was less than 50%. I believe with a speedy resolution in the case I would benefit from the fast track program, a reduction of up to four sentencing point reduction, giving me a sentencing range less than the mandatory minimum of 120 months. I expressed to Mr. Twibell that I was questioning the conspiracy charge, I asked him how could I be guilty of such a charge. My codefendants and I had an agreement but it was brief not to further distribute methamphetamines. I was a minor participant, unaware of all the drugs that is alleged in this case. I benefited from about 2% of the proceeds. Also having very little knowledge of any drug deals that was made outside of my guilt. I believe if my attorney would have weighed the drugs that was in my possession and the purity as well, the government would have seen this was simply for personal use. My role was minor from the beginning to the end. My attorney never investigated the facts of the case, charges or spoke with my codefendants in regards to my culpability of the crime. I was in hopes of getting a favorable plea. But instead the plea I received was no benefit to me. If I had taken the case to trial I still faced the same mandatory 120 months. But I had a high successful chance of not

being convicted of conspiracy. I may have pleaded to a lesser offense such as the possession charge and faced a lighter sentence. During the Presentence Investigation, I found some errors and concerns that I brought to my attorney attention. My criminal history points, I was given 3 criminal history points for 1 case that involved a misdemeanor and being on unsupervised probation. I never served over 15 days in jail, the instant case is the far most serious crime of which I've ever been convicted. Therefore I feel my criminal history was overstated, and on the sentencing chart I was a three and a category of two would of been more appropriate, being on unsupervised probation for a non violent charge this would of benefited me greatly . At my sentencing hearing my attorney was aware of my mental state, from debilitating and physical pain. Having my body burned over 50% leaving me with scars. These scars and this pain has affected my self esteem, and I suffer from depression. I have lived a lifestyle of drugs from the pain I endure. Leaving home at the age of 12 years old and learning how to survive in the streets. I have given up a daughter for adoption due to my instability and psychosocial disorder. Based on the sentencing factors I believe I qualify for a downward departure.

  
Lisa Thompson  
December 24, 2017

↔56259-408↔  
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# 56259-408  
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Federal Complex Camp  
Adelanto, CA 92301  
United States

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KANSAS CITY, MO.



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Pm # 1400  
Springfield Mo 65806-251